THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 18893 of 1996

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DATED: 27-01-2006

Kunja Veerappa.

..... PETITIONER

AND

The Mandal Revenue Officer,
Burgumpad (M), Khammam District & 2 others.

.....RESPONDENTS

ORDER:

Alleging that they are the owners of land in S.No.288/A, 402, 336/A admeasuring Ac.3.11 guntas in Sreedhar velair village and that the respondents 1 and 2, i.e., Mandal Revenue Officer, Burgumpahad, District Collector, Khammam, at the instance of Talluri Veerabhadrarao (3rd respondent) had dispossessed them, petitioner filed this petition seeking a writ in the nature of mandamus declaring the action of respondents 1 and 2 in dispossessing them from their land without taking recourse to due process of law is illegal and arbitrary.

2. In the counter affidavit filed by the first respondent on behalf of respondents 1 and 2 he alleged that petitioners, who are tribals, are the pattadars of Ac.2.00 in S.No.336/A and Ac.0.30 cents in S.No.288/AA and that S.No.402 is the patta land of Kunja Yerrappa and is in possession of the third respondent and that petitioners have no right in S.No.402 as pattadar passbook in respect of
Ac.3.33 gts in S.No.402 was issued to the third respondent and since petitioner's possession over Ac.0.30 gts in S.No.288/A and Ac.2.00 in S.No.336/AA is not being interfered with and since land in S.No.402 does not belong to the petitioner, petitioner is not entitled to any relief.

3. No representation on behalf of the 3rd respondent.

4. Since title to and possession of the petitioner is over Ac.2.30 cents in S.No.288/A, 336/AA is admitted by the respondents 1 and 2, the contention of the petitioner that he was dispossessed from the land cannot be accepted. Therefore petition in respect of those two survey numbers is unnecessary.

5. Since title to and possession over the land in S.No.402 of the petitioner is denied and is being disputed by respondents 1 and 2 and since disputed questions of fact cannot be gone into in this petition, this petition is disposed of with a direction to the petitioner to approach the Civil Court for establishing his right over the land in S.No.402 and for another appropriate reliefs. No costs.

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(C.Y.SOMAYAJULU,J)

27th January, 2006

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